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FAUSTINO AGUAYO
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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

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12 UNITED STATES OF AMERICA,
13 Plaintiff,

CR. 05-118-MMC

14 vs.

**STIPULATION TO CONTINUE
STATUS CONFERENCE; ORDER
THEREON**

15 FAUSTINO AGUAYO, et al.,
16 Defendants.
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18 _____/
19 Defendant FAUSTINO AGUAYO, by and through his counsel of record
20 Randy Sue Pollock, and Assistant U.S. Attorney David Hall hereby stipulate and agree
21 that the status conference presently set for Wednesday, December 7, 2005, be continued
22 until February 22, 2006.

23 Ms. Pollock has spoken to Steve Teich, counsel for Jose Isais-Cabrera, who is
24 charged in a related prosecution that is pending before the Honorable Marilyn H. Patel.
25 Mr. Teich intends to file a Confidential Informant Motion in January 2006, the results of
26 which would be of assistance to Mr. Aguayo in this prosecution. If the motion is granted
27 by Judge Patel, AUSA Hall has no objection to providing counsel in this case with the
28 discovery. The matter before Judge Patel will not be heard until early February 2006.

Ms. Pollock has advised all counsel in this case, including AUSA David Hall, of the requested continuance and none have objected.

The time period from December 7, 2005 through February 22, 2006 would be deemed excludable pursuant to 18 U.S.C. Section 3161(h)(8)(A), given that the ends of justice served by granting a continuance outweigh the best interests of the public and of the defendant in a speedy trial. Additionally, pursuant to 18 U.S.C. Section 3161(h)(8)(B)(ii) given the nature of the prosecution, the volume of the evidence, the fact that wiretaps were involved as well as pending motions in a related case, it is unreasonable to expect adequate preparation for pretrial proceedings and for the trial within the time limits established by the Speedy Trial Act.

Dated: December 5, 2005

(S) Randy Sue Pollock


RANDY SUE POLLOCK
Counsel for Defendant
FAUSTINO AGUAYO
On Behalf Of All Defendants

Dated: December 5, 2005

(S) David Hall

DAVID HALL
Assistant United States Attorney

SO ORDERED: December 6, 2005



MAXINE M. CHESNEY
United States District Court Judge